

### **REMARKS**

This response adds new dependent claims 32-34. Specifically, claim 32 recites that a plurality of diffusion regions are formed in said surface region, respectively contacting said select gates. Claim 33 recites that said diffusion regions comprise an impurity dosage higher than that of the semiconductor substrate. Claim 34 recites that said diffusion regions and the semiconductor substrate comprise the same conductivity type impurity ions. Supports for these limitations can be found in the specification at least at pages 18, 22-23 of the specification and in Figs. 5e-5f.

### **Rejections under 35 USC § 112**

Claims 7 and 12 were rejected under 35 U.S.C. 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In this paper, claim 7 has been amended to change its dependency from claims 3 or 4 to claims 4 or 5. Therefore, antecedent basis for a transfer gate can be both provided in claims 4 and 5.

In addition, claim 12 has been reworded to recite “the access of a floating gate of one of said stacked gates is through the turn-on of next adjacent said select gate and a floating gate of next adjacent said stacked gate”.

Support for these amendments can be found in the specification at least on pages 24-29 of the specification and in Figs. 6a-6c and 7a-7c of the drawings. Applicant submits that no new matter has been introduced by these added claims.

The amended claims 7 and 12, as amended, particularly point out and distinctly claim the subject matters of the invention and the 112 rejection to these claims should be withdrawn.

Claims 1-13 and 31-33 remain now pending.

### **Discussion of Rejections under 35 USC § 102 and 103**

Claims 1-4, 6, 7, and 11-13 were rejected under 35 U.S.C. § 102(b) as allegedly unpatentable over Ma et al. (U.S. Patent No. 5,278,439).

Claim 1 has been amended to recite the feature “N is an integer more than 1”. Support for the amendment can be found at least on lines 5-12 of page 24 of the specification and Figs. 4f and 5f of the drawings. Therefore, a plurality of bits that exceed two can be formed between two bit lines and along the same word line by the present application.

Ma et al. disclose a dual-bit split gate flash EEPROM cell. As disclosed in the abstract of the Ma reference, an EEPROM cell structure including two float gate transistors separated by a select gate transistor with the select transistor being shared by the two floating gate in programming, reading, and erasing a floating gate transistor is disclosed.

Contrary to the Office Action’s allegation that all elements are disclosed in the Ma reference, a plurality of  $(N+1)$  stacked gates separated apart by  $N$  select gate between said first drain region and said second drain region where  $N$  is an integer more than 1 of the amended claim 1 is not. For at least this reason, the rejection should be withdrawn.

As the cited reference does not render the claim obvious under § 103, as there is no teaching of “a plurality of  $(N+1)$  stacked gates separated apart by  $N$  select gate between said first drain region and said second drain region where  $N$  is an integer more than 1” of the amended claim 1, the rejection should be withdrawn.

Moreover, the claims 2-13 should be allowed, at least by virtue of their dependency for the amended claim 1.

### CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-6 and 8-15 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned representative at (770) 933-9500.

No fee is believed to be due in connection with this amendment and response to Office Action. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel R. McClure", is written over a horizontal line.

**Daniel R. McClure, Reg. No. 38,962**

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